

## Kite, Robin

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**From:** Konopacki, Larry  
**Sent:** Tuesday, January 05, 2010 10:50 AM  
**To:** Kite, Robin  
**Subject:** RE: LRBs0163

Hi Robin, Yes, you did. You simplified this very well. A couple of things:

- if there is another term that can be used other than "section" it might help to avoid confusion with the section line system. How about "tract"? I think that term shows up in various places in the admin code but as long as it is defined only for purposes of this new statutory subsection, it shouldn't cause any conflicts.

- under (b) 1., remove the word "cut." This measure of eligibility should apply to the whole stand in the q/q/q/section.

Thanks Robin.

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Larry A. Konopacki  
Wisconsin Legislative Council  
(608) 267-0683  
larry.konopacki@legis.wisconsin.gov

-----Original Message-----

From: Kite, Robin  
Sent: Monday, January 04, 2010 4:32 PM  
To: Konopacki, Larry  
Subject: LRBs0163

Larry:

I want to make sure that I understood your redraft instructions for the referenced draft. So please take a look at the language below. It is intended to replace page 3, lines 16 to 24 and page 4, lines 1 to 3.

77.87 (3m) Extension. (a) In this subsection:

1. "Catastrophic event" means fire, ice, snow, wind, or flooding.
2. "Section" means a quarter-quarter-quarter section of managed forest land.

(b) An owner of managed forest land may file a petition with the department to extend the due date for the payment of a tax assessed under sub. (1) or (2) on merchantable timber cut on one or more sections if all of the following apply:

1. A catastrophic event caused a 50 percent or more reduction in the total stumpage value of the merchantable timber cut on all of the sections for which the petition is filed.
2. The sections for which the petition is filed constitute at least 15 percent of the land under the owner's managed forest land order.

Did I understand your instructions?

Thanks!

Robin

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Robin Kite, Senior Legislative Attorney  
Wisconsin Legislative Reference Bureau  
1 East Main Street, Suite 200  
Madison, WI 53703  
(608) 266-7291



[soon]

State of Wisconsin  
2009 - 2010 LEGISLATURE

RM run  
P3  
LRBs0163/P2  
RNK&JK:jld:jf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE SUBSTITUTE AMENDMENT ,**  
**TO 2009 SENATE BILL 296**

D-Note

In  
1/5

✓ Regen

1 AN ACT *to amend* 74.25 (1) (a) 6., 74.25 (1) (a) 8., 74.30 (1) (f), 74.30 (1) (h), 77.87  
2 (3), 77.88 (5) (a) 1., 77.88 (5) (a) 2., 77.88 (5) (ar) 1., 77.88 (5) (ar) 2., 77.88 (5)  
3 (b) 1., 77.88 (5) (b) 2. and 77.89 (2) (a); and *to create* 77.84 (2m) and 77.87 (3m)  
4 of the statutes; **relating to:** the due date for payment of yield taxes on  
5 merchantable timber cut on damaged managed forest land and the assessment  
6 of payments per acre for damaged managed forest land. ✓

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

7 **SECTION 1.** 74.25 (1) (a) 6. of the statutes is amended to read:  
8 74.25 (1) (a) 6. Pay to the county treasurer 20% of collections of occupational  
9 taxes on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84  
10 (2) (a) and (am) and (2m), and all collections of payments for closed lands under s.  
11 77.84 (2) (b) and (bm) and (2m).

1 SECTION 2. 74.25 (1) (a) 8. of the statutes is amended to read:

2 74.25 (1) (a) 8. Retain for the taxation district all woodland tax law collections  
3 under s. 77.16 and 80% of collections of the taxes imposed under ss. 77.04 and 77.84  
4 (2) (a) and (am) and (2m).

5 SECTION 3. 74.30 (1) (f) of the statutes is amended to read:

6 74.30 (1) (f) Pay to the county treasurer 20% of collections of occupational taxes  
7 on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84 (2)  
8 (a) and (am) and (2m), and all collections of payments for closed lands under s. 77.84  
9 (2) (b) and (bm) and (2m).

10 SECTION 4. 74.30 (1) (h) of the statutes is amended to read:

11 74.30 (1) (h) Retain for the taxation district all woodland tax law collections  
12 under s. 77.16 and 80% of collections of the taxes imposed under ss. 77.04 and 77.84  
13 (2) (a) and (am) and (2m).

14 SECTION 5. 77.84 (2m) of the statutes is created to read:

15 77.84 (2m) DAMAGED AREAS. (a) In this subsection

16 ~~1. "Affected land" means managed forest land that~~ qualifies for an extension  
17 of the due date for the payment of yield taxes under s. 77.87 (3m).

18 ~~2. "Catastrophic ~~damage~~"~~ has the meaning given in s. 77.87 (3m) (a).

19 ~~Comma~~ (b) Notwithstanding the amounts specified under sub. (2), if the department

20 determines that an owner's managed forest land ~~is affected land~~, and if that

21 determination is based on <sup>a</sup> catastrophic ~~damage~~ <sup>event</sup> that occurred within the 15 years

22 immediately preceding the expiration of the managed forest land order for the

23 ~~affected~~ <sup>2</sup> land, the owner shall pay the amounts specified in this subsection instead

24 of the amounts specified under sub. (2).

(c) For 10 years following the expiration of the managed forest land order in effect at the time of the catastrophic ~~damage~~<sup>event</sup>, an owner of managed forest land described under par. (b) shall pay the annual per acre amount established under the order in effect at the time of the catastrophic ~~damage~~<sup>event</sup>, provided that the managed forest land continues to be subject to a managed forest land order. During the 10-year period described in this paragraph, sub. (2) (c) and (cm) does not apply to the amount that is due and payable under this subsection.

**SECTION 6.** 77.87 (3) of the statutes is amended to read:

77.87 (3) PAYMENT. ~~A~~ Except as provided under sub. (3m), a tax assessed under sub. (1) or (2) is due and payable to the department on the last day of the month following the date the certificate is mailed to the owner. The department shall collect interest at the rate of 12% per year on any tax that is paid later than the applicable due date under this subsection or sub. (3m) (c). Amounts received shall be credited to the conservation fund.

**SECTION 7.** 77.87 (3m) of the statutes is created to read:

77.87 (3m) EXTENSION. (a) In this subsection, ~~"catastrophic damage"~~<sup>§ 1. event</sup> means damage to managed forest land caused by fire, ice, snow, wind, or flooding.

(b) An owner of managed forest land may petition the department to extend the due date for the payment of a tax assessed under sub. (1) or (2) if all of the following apply:

1. The catastrophic damage affected one or more quarter-quarter-quarter sections of land subject to the owner's managed forest land order.

2. The catastrophic damage caused a 50 percent or more reduction in the stumpage value of the merchantable timber on each quarter-quarter-quarter section of managed forest land on which catastrophic damage occurred.

1 ~~3. The quarter-quarter-quarter sections of land on which the catastrophic~~  
2 ~~damage occurred constitutes at least 15 percent of the land under the owner's~~  
3 ~~managed forest land order.~~

4 (c) A petition under par. (b) shall be signed by the owner and a department field  
5 forester who certifies that the owner is eligible for an extension as provided under  
6 par. (b). The department may deny a petition that meets the requirements under par.  
7 (b) only if the owner has failed to comply with the management plan that is in effect  
8 on the date that the owner files the petition for extension or if there are delinquent  
9 property or yield taxes on the land. If the petition is denied, the department shall  
10 state the reason for the denial in writing. If the petition is approved, the department  
11 shall extend the due date for the payment of taxes assessed under sub. (1) or (2) for  
12 a period of 10 years following the date on which the department mails a copy of the  
13 certificate of assessment to the owner.

14 **SECTION 8.** 77.88 (5) (a) 1. of the statutes is amended to read:

15 77.88 (5) (a) 1. An amount equal to the past tax liability multiplied by the  
16 number of years the land was designated as managed forest land, less any amounts  
17 paid by the owner under ss. 77.84 (2) (a) and (am) and (2m) and 77.87 and less any  
18 amounts payable by the owner under s. 77.87 (3m).

19 **SECTION 9.** 77.88 (5) (a) 2. of the statutes is amended to read:

20 77.88 (5) (a) 2. Five percent of the stumpage value of the merchantable timber  
21 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and  
22 (2m) and 77.87 and less any amounts payable by the owner under s. 77.87 (3m).

23 **SECTION 10.** 77.88 (5) (ar) 1. of the statutes is amended to read:

24 77.88 (5) (ar) 1. For the portion of the land that is designated as managed forest  
25 land under the original order, an amount equal to the product of the total net

1 property tax rate in the municipality in the year prior to the year in which the  
2 expanded order is approved and the assessed value of the land for the same year, as  
3 computed by the department of revenue, multiplied by the number of years under the  
4 original order, less any amounts paid by the owner under ss. 77.84 (2) (a) and (2m)  
5 and 77.87, and less any amounts payable by the owner under s. 77.87 (3m), during  
6 the time the land was designated as managed forest land under the original order.

7 **SECTION 11.** 77.88 (5) (ar) 2. of the statutes is amended to read:

8 77.88 (5) (ar) 2. An amount equal to the product of the total net property tax  
9 rate in the municipality in the year prior to this withdrawal and the assessed value  
10 of the land for the same year, as computed by the department of revenue, multiplied  
11 by the number of years the land was designated as land under the expanded order,  
12 less any amounts paid by the owner under ss. 77.84 (2) (am) and (2m) and 77.87, and  
13 less any amounts payable by the owner under s. 77.87 (3m), during the time the land  
14 is designated as managed forest land under the expanded order.

15 **SECTION 12.** 77.88 (5) (b) 1. of the statutes is amended to read:

16 77.88 (5) (b) 1. An amount equal to the past tax liability multiplied by the  
17 number of years since the renewal, less any amounts paid by the owner under ss.  
18 77.84 (2) (a) and (am) and (2m) and 77.87 and less any amounts payable by the owner  
19 under s. 77.87 (3m).

20 **SECTION 13.** 77.88 (5) (b) 2. of the statutes is amended to read:

21 77.88 (5) (b) 2. Five percent of the stumpage value of the merchantable timber  
22 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and  
23 (2m) and 77.87 and less any amounts payable by the owner under s. 77.87 (3m).

24 **SECTION 14.** 77.89 (2) (a) of the statutes is amended to read:

1           77.89 (2) (a) Each municipal treasurer shall pay 20% of each payment received  
2 under sub. (1) and under ss. 77.84 (2) (a) and (am) and (2m), 77.85, and 77.876 to the  
3 county treasurer and shall deposit the remainder in the municipal treasury. The  
4 payment to the county treasurer for money received before November 1 of any year  
5 shall be made on or before the November 15 after its receipt. For money received on  
6 or after November 1 of any year, the payment to the county treasurer shall be made  
7 on or before November 15 of the following year.

8           **SECTION 15. Initial applicability.**

9           (1) This act first applies to ~~catastrophic damage to~~ <sup>merchandise timber</sup> managed forest land ~~that~~ <sup>damage</sup>  
10 ~~occurs~~ <sup>on</sup> the effective date of this subsection. ✓

11           (END)

d-note  
↓

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0163/P3ins.  
RNK:.....

**INSERT 4-3**

- 1           2. ✓ "Tract" means a quarter-quarter-quarter ✓ section of managed forest land.
- 2           (b) An owner of managed forest land ✓ may file a petition with the ✓ department
- 3           to extend the due date for the payment of a tax assessed under sub. ✓ (1) or (2) ✓ on
- 4           merchantable timber cut on one or more ✓ tracts if all of the following apply: ✓
- 5           1. A catastrophic event caused a 50 percent ✓ or more reduction in the total
- 6           stumpage value of the merchantable timber on all of the tracts for which the petition
- 7           is filed. ✓
- 8           2. The tracts for which the petition is filed constitute at least ✓ 15 percent of the
- 9           land under the owner's managed forest land order. ✓

(end ins)



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

date

LRBs0163/P3dn

RNK:.....

jcd

This redraft incorporates instructions received from Legislative Council Attorney, Larry Konopacki. Please note that I also made a change to the draft that was not included in those instructions. I revised the language in s. 77.84 (2m),<sup>✓</sup> as created in the draft, to eliminate a defined term.<sup>✓</sup> I think the new language is easier to understand. Please feel free to contact me if you have any questions with regard to this redraft.<sup>✓</sup>

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0163/P3dn  
RNK:jld:md

January 5, 2010

This redraft incorporates instructions received from Legislative Council Attorney, Larry Konopacki. Please note that I also made a change to the draft that was not included in those instructions. I revised the language in s. 77.84 (2m), as created in the draft, to eliminate a defined term. I think the new language is easier to understand. Please feel free to contact me if you have any questions with regard to this redraft.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: [robin.kite@legis.wisconsin.gov](mailto:robin.kite@legis.wisconsin.gov)

**Kite, Robin**

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**From:** Wilson, Danielle  
**Sent:** Tuesday, January 12, 2010 12:18 PM  
**To:** Konopacki, Larry; Kite, Robin  
**Subject:** RE: Draft review: LRB 09s0163/P3 Topic: Procedure and eligibility of extensions of MFL orders

Thank you both so much for your help.

Danielle Wilson  
Office of Senator Julie Lassa  
P.O. Box 7882  
Madison, WI 53707-7882  
(608) 266-3123  
danielle.wilson@legis.wisconsin.gov

-----Original Message-----

**From:** Konopacki, Larry  
**Sent:** Tuesday, January 12, 2010 12:11 PM  
**To:** Kite, Robin  
**Cc:** Wilson, Danielle  
**Subject:** FW: Draft review: LRB 09s0163/P3 Topic: Procedure and eligibility of extensions of MFL orders

Hi Robin,

I spoke with Danielle and she is ready to move this sub to a /1 with the following last changes:  
- see Quinn Williams' first suggestion below about the removal of the word "field."  
- adjust the initial applicability of the extension of the per acre yearly tax so that property which experienced a catastrophic even prior to enactment of this bill would still be eligible for this extension if the property is re-enrolled after enactment.

Thanks,

Larry

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Larry A. Konopacki  
Wisconsin Legislative Council  
(608) 267-0683  
larry.konopacki@legis.wisconsin.gov

-----Original Message-----

**From:** Williams, Quinn L - DNR [mailto:Quinn.Williams@Wisconsin.gov]  
**Sent:** Tuesday, January 12, 2010 12:00 PM  
**To:** Wilson, Danielle

01/12/2010

Cc: Konopacki, Larry; Nelson, Kathryn J - DNR; Williams, Quinn L - DNR  
Subject: RE: Draft review: LRB 09s0163/P3 Topic: Procedure and eligibility of extensions of MFL orders

Hi Danielle,

A couple of changes:

(1) One minor change, if there is an opportunity (if not, we could live with it and interpret it on our own) page 4, line 1, delete the word "field." There is no definition for a "field forester" and the term "forester" is consistent with prior statute and administrative code.

(2) The second is that there is no provision for noticing subsequent landowners that purchase any MFL lands subject to a 10 year deferred yield tax that they would be ultimately responsible for paying that deferred yield tax. While this problem exists now with yield taxes, it is not a large issue because the due date for the yield taxes under Wis. Stat. s. 77.87(3), which is the last day of the month following the date the certificate is mailed to the owner, is not nearly as long as the 10 years proposed here. The solution would either be to place a lien on the property for the assessed (but not yet due) yield tax OR to require it for disclosure for any subsequent sales.

(3) The third problem is under the "Initial applicability, found on page 6, section 15, lines 5 and 6. As currently worded, it would arguably exclude Nancy Livingston, since her merchantable timber was not damaged on the effective date of this subsection. A more precise wording would be:

"(1) This act first applies to the merchantable timber damaged on managed forest land that is enrolled on or after the effective date of this subsection."

P Quinn L. Williams  
Staff Attorney  
Bureau of Legal Services  
Wisconsin Department of Natural Resources

(\*) phone: (608) 266-1318

(\*) fax: (608) 266-6983

(\*) e-mail: [quinn.williams@wisconsin.gov](mailto:quinn.williams@wisconsin.gov)

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From: Wilson, Danielle [<mailto:Danielle.Wilson@legis.wisconsin.gov>]  
Sent: Monday, January 11, 2010 2:23 PM

01/12/2010

To: Williams, Quinn L - DNR

Subject: FW: Draft review: LRB 09s0163/P3 Topic: Procedure and eligibility of extensions of MFL orders

Hi Quinn,

Senator Lassa is looking to introduce this amendment by the end of the day. If you have any questions or concerns, please let me know.

Thanks,

Danielle Wilson  
Office of Senator Julie Lassa  
P.O. Box 7882  
Madison, WI 53707-7882  
(608) 266-3123  
danielle.wilson@legis.wisconsin.gov

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From: Barman, Mike

Sent: Wednesday, January 06, 2010 11:05 AM

To: Sen.Lassa

Subject: Draft review: LRB 09s0163/P3 Topic: Procedure and eligibility of extensions of MFL orders

Following is the PDF version of draft LRB 09s0163/P3 and drafter's note.



(soon)  
State of Wisconsin  
2009 - 2010 LEGISLATURE

Rm run  
1  
LRBs0163/P3  
RNK&JK:jld:md

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE SUBSTITUTE AMENDMENT ,

TO 2009 SENATE BILL 296

In 1/12

Regen

4  
1 AN ACT *to amend* 74.25 (1) (a) 6., 74.25 (1) (a) 8., 74.30 (1) (f), 74.30 (1) (h), 77.87  
2 (3), 77.88 (5) (a) 1., 77.88 (5) (a) 2., 77.88 (5) (ar) 1., 77.88 (5) (ar) 2., 77.88 (5)  
3 (b) 1., 77.88 (5) (b) 2. and 77.89 (2) (a); and *to create* 77.84 (2m) and 77.87 (3m)  
4 of the statutes; **relating to:** the due date for payment of yield taxes on  
5 merchantable timber cut on damaged managed forest land and the assessment  
6 of payments per acre for damaged managed forest land. ✓

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

7 SECTION 1. 74.25 (1) (a) 6. of the statutes is amended to read:

8 74.25 (1) (a) 6. Pay to the county treasurer 20% of collections of occupational  
9 taxes on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84  
10 (2) (a) and (am) and (2m), and all collections of payments for closed lands under s.  
11 77.84 (2) (b) and (bm) and (2m).

**SECTION 2.** 74.25 (1) (a) 8. of the statutes is amended to read:

74.25 (1) (a) 8. Retain for the taxation district all woodland tax law collections under s. 77.16 and 80% of collections of the taxes imposed under ss. 77.04 and 77.84 (2) (a) and (am) and (2m).

**SECTION 3.** 74.30 (1) (f) of the statutes is amended to read:

74.30 (1) (f) Pay to the county treasurer 20% of collections of occupational taxes on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84 (2) (a) and (am) and (2m), and all collections of payments for closed lands under s. 77.84 (2) (b) and (bm) and (2m).

**SECTION 4.** 74.30 (1) (h) of the statutes is amended to read:

74.30 (1) (h) Retain for the taxation district all woodland tax law collections under s. 77.16 and 80% of collections of the taxes imposed under ss. 77.04 and 77.84 (2) (a) and (am) and (2m).

**SECTION 5.** 77.84 (2m) of the statutes is created to read:

77.84 (2m) DAMAGED AREAS. (a) In this subsection, "catastrophic event" has the meaning given in s. 77.87 (3m) (a) 1.

(b) Notwithstanding the amounts specified under sub. (2), if the department determines that an owner's managed forest land qualifies for an extension of the due date for the payment of yield taxes under s. 77.87 (3m), and if that determination is based on a catastrophic event that occurred within the 15 years immediately preceding the expiration of the managed forest land order for the land, the owner shall pay the amounts specified in this subsection instead of the amounts specified under sub. (2).

(c) For 10 years following the expiration of the managed forest land order in effect at the time of the catastrophic event, an owner of managed forest land

1 described under par. (b) shall pay the annual per acre amount established under the  
2 order in effect at the time of the catastrophic event, provided that the managed forest  
3 land continues to be subject to a managed forest land order. During the 10-year  
4 period described in this paragraph, sub. (2) (c) and (cm) does not apply to the amount  
5 that is due and payable under this subsection.

6 **SECTION 6.** 77.87 (3) of the statutes is amended to read:

7 77.87 (3) PAYMENT. ~~A~~ Except as provided under sub. (3m), a tax assessed under  
8 sub. (1) or (2) is due and payable to the department on the last day of the month  
9 following the date the certificate is mailed to the owner. The department shall collect  
10 interest at the rate of 12% per year on any tax that is paid later than the applicable  
11 due date under this subsection or sub. (3m) (c). Amounts received shall be credited  
12 to the conservation fund.

13 **SECTION 7.** 77.87 (3m) of the statutes is created to read:

14 77.87 (3m) EXTENSION. (a) In this subsection:

- 15 1. "Catastrophic event" means fire, ice, snow, wind, or flooding.  
16 2. "Tract" means a quarter-quarter-quarter section of managed forest land.

17 (b) An owner of managed forest land may file a petition with the department  
18 to extend the due date for the payment of a tax assessed under sub. (1) or (2) on  
19 merchantable timber cut on one or more tracts if all of the following apply:

20 1. A catastrophic event caused a 50 percent or more reduction in the total  
21 stumpage value of the merchantable timber on all of the tracts for which the petition  
22 is filed.

23 2. The tracts for which the petition is filed constitute at least 15 percent of the  
24 land under the owner's managed forest land order.



1 (c) A petition under par. (b) shall be signed by the owner and a department <sup>✓</sup>field  
2 forester who certifies that the owner is eligible for an extension as provided under  
3 par. (b). The department may deny a petition that meets the requirements under par.  
4 (b) only if the owner has failed to comply with the management plan that is in effect  
5 on the date that the owner files the petition for extension or if there are delinquent  
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8 shall extend the due date for the payment of taxes assessed under sub. (1) or (2) for  
9 a period of 10 years following the date on which the department mails a copy of the  
10 certificate of assessment to the owner.

11 **SECTION 8.** 77.88 (5) (a) 1. of the statutes is amended to read:

12 77.88 (5) (a) 1. An amount equal to the past tax liability multiplied by the  
13 number of years the land was designated as managed forest land, less any amounts  
14 paid by the owner under ss. 77.84 (2) (a) and (am) and (2m) and 77.87 and less any  
15 amounts payable by the owner under s. 77.87 (3m).

16 **SECTION 9.** 77.88 (5) (a) 2. of the statutes is amended to read:

17 77.88 (5) (a) 2. Five percent of the stumpage value of the merchantable timber  
18 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and  
19 (2m) and 77.87 and less any amounts payable by the owner under s. 77.87 (3m).

20 **SECTION 10.** 77.88 (5) (ar) 1. of the statutes is amended to read:

21 77.88 (5) (ar) 1. For the portion of the land that is designated as managed forest  
22 land under the original order, an amount equal to the product of the total net  
23 property tax rate in the municipality in the year prior to the year in which the  
24 expanded order is approved and the assessed value of the land for the same year, as  
25 computed by the department of revenue, multiplied by the number of years under the

1 original order, less any amounts paid by the owner under ss. 77.84 (2) (a) and (2m)  
2 and 77.87, and less any amounts payable by the owner under s. 77.87 (3m), during  
3 the time the land was designated as managed forest land under the original order.

4 **SECTION 11.** 77.88 (5) (ar) 2. of the statutes is amended to read:

5 77.88 (5) (ar) 2. An amount equal to the product of the total net property tax  
6 rate in the municipality in the year prior to this withdrawal and the assessed value  
7 of the land for the same year, as computed by the department of revenue, multiplied  
8 by the number of years the land was designated as land under the expanded order,  
9 less any amounts paid by the owner under ss. 77.84 (2) (am) and (2m) and 77.87, and  
10 less any amounts payable by the owner under s. 77.87 (3m), during the time the land  
11 is designated as managed forest land under the expanded order.

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18 77.88 (5) (b) 2. Five percent of the stumpage value of the merchantable timber  
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20 (2m) and 77.87 and less any amounts payable by the owner under s. 77.87 (3m).

21 **SECTION 14.** 77.89 (2) (a) of the statutes is amended to read:

22 77.89 (2) (a) Each municipal treasurer shall pay 20% of each payment received  
23 under sub. (1) and under ss. 77.84 (2) (a) and (am) and (2m), 77.85, and 77.876 to the  
24 county treasurer and shall deposit the remainder in the municipal treasury. The  
25 payment to the county treasurer for money received before November 1 of any year

1 shall be made on or before the November 15 after its receipt. For money received on  
2 or after November 1 of any year, the payment to the county treasurer shall be made  
3 on or before November 15 of the following year.

4 **SECTION 15. Initial applicability.**

5 (1) This act first applies to merchantable timber damaged on ~~managed forest~~  
6 land on the effective date of this subsection. ✓

7 *that is subject (END)  
to a managed  
forest land order ✓*

## Konopacki, Larry

---

**From:** Konopacki, Larry  
**Sent:** Tuesday, January 12, 2010 4:00 PM  
**To:** Wilson, Danielle  
**Subject:** RE: Draft review: LRB 09s0163/P3 Topic: Procedure and eligibility of extensions of MFL orders

Hi Danielle, as I was drafting the memo for SB 296, I noticed that "insects" and "disease" are no longer included as types of causes of catastrophic damage under the sub. Was this intentional? If not and the sub is already done, it is possible to amend this in committee.

Larry

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Larry A. Konopacki  
Wisconsin Legislative Council  
(608) 267-0683  
larry.konopacki@legis.wisconsin.gov

-----Original Message-----

**From:** Wilson, Danielle  
**Sent:** Monday, January 11, 2010 10:45 AM  
**To:** Konopacki, Larry  
**Subject:** FW: Draft review: LRB 09s0163/P3 Topic: Procedure and eligibility of extensions of MFL orders  
**Importance:** High

Hi Larry,

As I mentioned on your voicemail, I was wondering if you may be able to put together a memo on this sub prior to the executive session, which is scheduled for this Thursday.

Thank you for your help,

Danielle Wilson  
Office of Senator Julie Lassa  
P.O. Box 7882  
Madison, WI 53707-7882  
(608) 266-3123  
danielle.wilson@legis.wisconsin.gov

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**From:** Barman, Mike  
**Sent:** Wednesday, January 06, 2010 11:05 AM  
**To:** Sen.Lassa  
**Subject:** Draft review: LRB 09s0163/P3 Topic: Procedure and eligibility of extensions of MFL orders

Following is the PDF version of draft LRB 09s0163/P3 and drafter's note.

## Konopacki, Larry

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**From:** Konopacki, Larry  
**Sent:** Tuesday, January 12, 2010 4:28 PM  
**To:** Wilson, Danielle  
**Subject:** RE: Draft review: LRB 09s0163/P3 Topic: Procedure and eligibility of extensions of MFL orders

Hi again, I think there is also a problem with the annual per-acre payment language. Specifically, the sub as written allows the old per-acre amount to be paid on the whole order for an extra 10 years, instead of just on the tracts that were damaged 50% or more.

Let's chat about this.

LK

---

Larry A. Konopacki  
Wisconsin Legislative Council  
(608) 267-0683  
larry.konopacki@legis.wisconsin.gov

-----Original Message-----

**From:** Konopacki, Larry  
**Sent:** Tuesday, January 12, 2010 4:00 PM  
**To:** Wilson, Danielle  
**Subject:** RE: Draft review: LRB 09s0163/P3 Topic: Procedure and eligibility of extensions of MFL orders

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Larry

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Wisconsin Legislative Council  
(608) 267-0683  
larry.konopacki@legis.wisconsin.gov

-----Original Message-----

**From:** Wilson, Danielle  
**Sent:** Monday, January 11, 2010 10:45 AM  
**To:** Konopacki, Larry  
**Subject:** FW: Draft review: LRB 09s0163/P3 Topic: Procedure and eligibility of extensions of MFL orders  
**Importance:** High

Hi Larry,

As I mentioned on your voicemail, I was wondering if you may be able to put together a memo on this sub prior to the executive session, which is scheduled for this Thursday.

Thank you for your help,

Danielle Wilson  
Office of Senator Julie Lassa  
P.O. Box 7882  
Madison, WI 53707-7882  
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From: Barman, Mike  
Sent: Wednesday, January 06, 2010 11:05 AM  
To: Sen.Lassa  
Subject: Draft review: LRB 09s0163/P3 Topic: Procedure and eligibility of extensions of MFL orders

Following is the PDF version of draft LRB 09s0163/P3 and drafter's note.



**SENATE SUBSTITUTE AMENDMENT ,  
TO 2009 SENATE BILL 296**

X

Regen

1 AN ACT *to amend* 74.25 (1) (a) 6., 74.25 (1) (a) 8., 74.30 (1) (f), 74.30 (1) (h), 77.87  
2 (3), 77.88 (5) (a) 1., 77.88 (5) (a) 2., 77.88 (5) (ar) 1., 77.88 (5) (ar) 2., 77.88 (5)  
3 (b) 1., 77.88 (5) (b) 2. and 77.89 (2) (a); and *to create* 77.84 (2m) and 77.87 (3m)  
4 of the statutes; **relating to:** the due date for payment of yield taxes on  
5 merchantable timber cut on damaged managed forest land and the assessment  
6 of payments per acre for damaged managed forest land.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

7 **SECTION 1.** 74.25 (1) (a) 6. of the statutes is amended to read:

8 74.25 (1) (a) 6. Pay to the county treasurer 20% of collections of occupational  
9 taxes on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84  
10 (2) (a) and (am) and (2m), and all collections of payments for closed lands under s.  
11 77.84 (2) (b) and (bm) and (2m).

12 **SECTION 2.** 74.25 (1) (a) 8. of the statutes is amended to read:

¶ 2. "Tract" means a quarter-quarter-quarter section of managed forest land.

74.25 (1) (a) 8. Retain for the taxation district all woodland tax law collections under s. 77.16 and 80% of collections of the taxes imposed under ss. 77.04 and 77.84 (2) (a) and (am) and (2m).

SECTION 3. 74.30 (1) (f) of the statutes is amended to read:

74.30 (1) (f) Pay to the county treasurer 20% of collections of occupational taxes on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84 (2) (a) and (am) and (2m), and all collections of payments for closed lands under s. 77.84 (2) (b) and (bm) and (2m).

SECTION 4. 74.30 (1) (h) of the statutes is amended to read:

74.30 (1) (h) Retain for the taxation district all woodland tax law collections under s. 77.16 and 80% of collections of the taxes imposed under ss. 77.04 and 77.84 (2) (a) and (am) and (2m).

SECTION 5. 77.84 (2m) of the statutes is created to read:

77.84 (2m) DAMAGED AREAS. (a) In this subsection, "catastrophic event" has the meaning given in s. 77.87 (3m) (a) 1.

(b) Notwithstanding the amounts specified under sub. (2), if the department determines that an owner's managed forest land qualifies for an extension of the due date for the payment of yield taxes under s. 77.87 (3m), and if that determination is based on a catastrophic event that occurred within the 15 years immediately preceding the expiration of the managed forest land order for the land, the owner shall pay the amounts specified in this subsection instead of the amounts specified under sub. (2).

(c) For 10 years following the expiration of the managed forest land order in effect at the time of the catastrophic event, an owner of managed forest land described under par. (b) shall pay the annual per acre amount established under the

, for those tracts that qualify for an extension of the due date of yield taxes under s. 77.87 (3m),



1 order in effect at the time of the catastrophic event, provided that the managed forest  
2 land continues to be subject to a managed forest land order. During the 10-year  
3 period described in this paragraph, sub. (2) (c) and (cm) does not apply to the amount  
4 that is due and payable under this subsection.

5 **SECTION 6.** 77.87 (3) of the statutes is amended to read:

6 77.87 (3) PAYMENT. ~~A~~ Except as provided under sub. (3m), a tax assessed under  
7 sub. (1) or (2) is due and payable to the department on the last day of the month  
8 following the date the certificate is mailed to the owner. The department shall collect  
9 interest at the rate of 12% per year on any tax that is paid later than the applicable  
10 due date under this subsection or sub. (3m) (c). Amounts received shall be credited  
11 to the conservation fund.

12 **SECTION 7.** 77.87 (3m) of the statutes is created to read:

13 77.87 (3m) EXTENSION. (a) In this subsection:

- 14 1. "Catastrophic event" means <sup>damage caused by</sup> fire, ice, snow, wind, ~~and~~ flooding, <sup>insects, or disease</sup>  
15 2. "Tract" means a quarter-quarter-quarter section of managed forest land. ✓

16 (b) An owner of managed forest land may file a petition with the department  
17 to extend the due date for the payment of a tax assessed under sub. (1) or (2) on  
18 merchantable timber cut on one or more tracts if all of the following apply:

19 1. A catastrophic event caused a 50 percent or more reduction in the total  
20 stumpage value of the merchantable timber on all of the tracts for which the petition  
21 is filed.

22 2. The tracts for which the petition is filed constitute at least 15 percent of the  
23 land under the owner's managed forest land order.

24 (c) A petition under par. (b) shall be signed by the owner and a department  
25 forester who certifies that the owner is eligible for an extension as provided under

1 par. (b). The department may deny a petition that meets the requirements under par.  
2 (b) only if the owner has failed to comply with the management plan that is in effect  
3 on the date that the owner files the petition for extension or if there are delinquent  
4 property or yield taxes on the land. If the petition is denied, the department shall  
5 state the reason for the denial in writing. If the petition is approved, the department  
6 shall extend the due date for the payment of taxes assessed under sub. (1) or (2) for  
7 a period of 10 years following the date on which the department mails a copy of the  
8 certificate of assessment to the owner.

9 **SECTION 8.** 77.88 (5) (a) 1. of the statutes is amended to read:

10 77.88 (5) (a) 1. An amount equal to the past tax liability multiplied by the  
11 number of years the land was designated as managed forest land, less any amounts  
12 paid by the owner under ss. 77.84 (2) (a) and (am) and (2m) and 77.87 and less any  
13 amounts payable by the owner under s. 77.87 (3m).

14 **SECTION 9.** 77.88 (5) (a) 2. of the statutes is amended to read:

15 77.88 (5) (a) 2. Five percent of the stumpage value of the merchantable timber  
16 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and  
17 (2m) and 77.87 and less any amounts payable by the owner under s. 77.87 (3m).

18 **SECTION 10.** 77.88 (5) (ar) 1. of the statutes is amended to read:

19 77.88 (5) (ar) 1. For the portion of the land that is designated as managed forest  
20 land under the original order, an amount equal to the product of the total net  
21 property tax rate in the municipality in the year prior to the year in which the  
22 expanded order is approved and the assessed value of the land for the same year, as  
23 computed by the department of revenue, multiplied by the number of years under the  
24 original order, less any amounts paid by the owner under ss. 77.84 (2) (a) and (2m)

1     and 77.87, and less any amounts payable by the owner under s. 77.87 (3m), during  
2     the time the land was designated as managed forest land under the original order.

3           **SECTION 11.** 77.88 (5) (ar) 2. of the statutes is amended to read:

4           77.88 (5) (ar) 2. An amount equal to the product of the total net property tax  
5     rate in the municipality in the year prior to this withdrawal and the assessed value  
6     of the land for the same year, as computed by the department of revenue, multiplied  
7     by the number of years the land was designated as land under the expanded order,  
8     less any amounts paid by the owner under ss. 77.84 (2) (am) and (2m) and 77.87, and  
9     less any amounts payable by the owner under s. 77.87 (3m), during the time the land  
10    is designated as managed forest land under the expanded order.

11          **SECTION 12.** 77.88 (5) (b) 1. of the statutes is amended to read:

12          77.88 (5) (b) 1. An amount equal to the past tax liability multiplied by the  
13     number of years since the renewal, less any amounts paid by the owner under ss.  
14     77.84 (2) (a) and (am) and (2m) and 77.87 and less any amounts payable by the owner  
15     under s. 77.87 (3m).

16          **SECTION 13.** 77.88 (5) (b) 2. of the statutes is amended to read:

17          77.88 (5) (b) 2. Five percent of the stumpage value of the merchantable timber  
18     on the land, less any amounts paid by the owner under ss. 77.84 (2) (a) and (am) and  
19     (2m) and 77.87 and less any amounts payable by the owner under s. 77.87 (3m).

20          **SECTION 14.** 77.89 (2) (a) of the statutes is amended to read:

21          77.89 (2) (a) Each municipal treasurer shall pay 20% of each payment received  
22     under sub. (1) and under ss. 77.84 (2) (a) and (am) and (2m), 77.85, and 77.876 to the  
23     county treasurer and shall deposit the remainder in the municipal treasury. The  
24     payment to the county treasurer for money received before November 1 of any year  
25     shall be made on or before the November 15 after its receipt. For money received on

1 or after November 1 of any year, the payment to the county treasurer shall be made  
2 on or before November 15 of the following year.

3 **SECTION 15. Initial applicability.**

4 (1) This act first applies to merchantable timber damaged on land that is  
5 subject to a managed forest land order on the effective date of this subsection.

6 (END)